

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
)	
v.)	CIVIL ACTION NO. 2:07cv429-WHA
)	
ONE HUNDRED FIFTY THREE)	
THOUSAND TWO HUNDRED NINETY)	
(\$153,290) DOLLARS IN UNITED)	
STATES CURRENCY; and,)	
)	
THREE THOUSAND EIGHT HUNDRED)	
EIGHTY (\$3,880) DOLLARS IN)	
UNITED STATES CURRENCY,)	
)	
DEFENDANTS.)	

MOTION FOR DECREE OF FORFEITURE

Pursuant to the Federal Rules of Civil Procedure and Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, the United States of America (United States) respectfully moves this Court for entry of a Decree of Forfeiture. This Motion is supported by the previously filed Verified Complaint for Forfeiture In Rem, Warrant of Arrest In Rem, and Entry of Default against Rene Garnica, Raul Garnica and all others persons and entities having an interest in the Defendant currency.

A proposed Decree of Forfeiture is submitted herewith.

Respectfully submitted this 14th day of December, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon

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DECREE OF FORFEITURE

On May 15, 2007, a Verified Complaint for Forfeiture In Rem against the Defendant One Hundred Fifty Three Thousand Two Hundred Ninety (\$153,290) Dollars in United States currency and Three Thousand Eight Hundred Eighty (\$3,880) Dollars in United States currency was filed on behalf of the United States of America. The Complaint alleges that the Defendant currency was used or intended to be used in exchange for controlled substances, or represents proceeds of trafficking in controlled substance, or was used or intended to be used to facilitate the commission of a violation of Title II of the Controlled Substances Act, Title 21, United States Code, Section 801 et seq.; and, therefore, it is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a)(6).

It appearing that process was fully issued in this action and returned according to law;

That pursuant to a Warrant for Arrest In Rem issued by this Court, the United States Marshals Service for the Middle District of Alabama arrested the Defendant currency on July 5, 2007;

That notice of this action was published in the Montgomery Advertiser on July 13, 20 and 27, 2007;

That notice of this action was published in the Houston Chronicle on October 19, 26 and November 2, 2007;

That on May 24, 2007, Lonnie R. Knowles, Attorney at Law, was personally served with copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service;

That on June 14, 2007, Rene Garnica was personally served with copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service;

That on October 29, 2007, Raul Garnica was personally served with copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service;

That on December 13, 2007, Rene Garnica, Raul Garnica and all other persons and entities having an interest in the Defendant currency were defaulted for failure to file a claim within the time

permitted by Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Claims; and,

That no other claim or answer has been filed on behalf of any other party.

Now, therefore, on motion of the United States of America for a Decree of Forfeiture and for good cause otherwise shown, it is hereby:

ORDERED, ADJUDGED, AND DECREED that the Defendant currency be forfeited to the United States of America and no right, title or interest in the Defendant currency shall exist in any other party; and,

The Defendant currency shall be disposed of according to law.

DONE this the ____ day of _____, 2007.

UNITED STATES DISTRICT JUDGE